

REMARKS

This paper is being filed in response to the Office Action including a Notice to Comply dated April 14, 2005, and in view of the Notice dated January 4, 2005 and Office Action dated June 25, 2004, that were issued in connection with the above-identified patent application. Applicants respectfully request reconsideration of the instant application in view of the amendments and remarks presented herein and request an extension of time of three months for filing a response.

Applicants are required by the Office communication dated April 14, 2005 to: (i) Provide an initial or substitute sequence listing in paper and computer readable form; (ii) Amend the specification to direct entry of the initial or substitute sequence listing into the application; and (iii) Provide a statement that the Sequence Listing in paper and computer readable form are identical and includes no new matter.

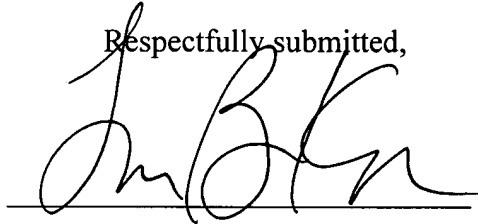
Applicants note that the computer readable form of a Sequence Listing submitted under 37 C.F.R. §§ 1.821-1.825, on floppy disk was apparently severely damaged and unreadable and needed replacement. Accordingly, Applicants submit herewith (i) A Substitute Sequence Listing in paper and computer readable form; (ii) Applicants submit herein an amendment to the specification requesting the insertion of the Sequence Listing into the specification of the application; and (iii) I hereby state that the content of the paper and computer readable copies of the Substitute Sequence Listing submitted in accordance with 37 C.F.R. §1.821(c) and (e), are the same. I hereby state that the content of the paper and computer readable copies of the Substitute Sequence Listing, submitted in accordance with 37 C.F.R. §1.821(g), herein does not include new matter. Support for the sequences listed in the Sequence

Listing may be found in the specification as filed e.g. at paragraph numbers [0018], [0035] and [0036].

Applicants do not believe that any additional fees are required with this Response. Nevertheless, the Commission is authorized to charge any required fees not otherwise enclosed herewith to Deposit Account No. 02-4377. Two copies of this page are enclosed.

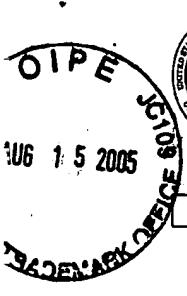
Applicants enclose a copy of the "Notice to Comply" herewith.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'LBK', is written over a horizontal line.

Lisa B. Kole
PTO Reg. No. 35,225
Attorney for Applicants

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30 Rockefeller Plaza
New York, NY 10112
(212) 408-2500



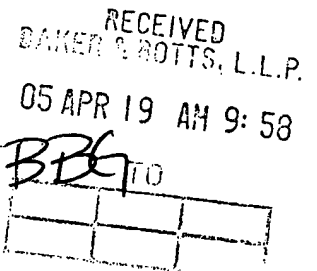
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,716	08/07/2001	Joachim Kramer	AP33451(070180.0144)	1120
21003	7590	04/14/2005	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			COUNTS, GARY W	
			ART UNIT	PAPER NUMBER
			1641	

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



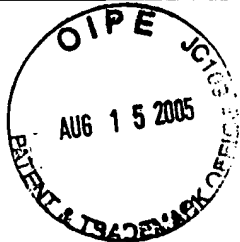
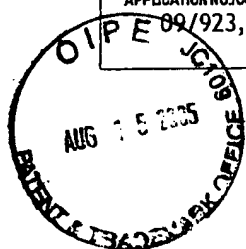
E-COPY TO
JL & BBS 5/2/05

Docketed
For 5/14/2005 r 7818
10/14/05



UNITED STATES
PATENT AND
TRADEMARK OFFICE

APPLICATION NO./CONTROL NO. 89/923,716	FILING DATE 07 August 2002	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION Kramer	ATTORNEY DOCKET NO. AP33451
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EXAMINER

Counts

ART UNIT	PAPER
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1641

20050405

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

The communication filed 01/31/05 is not fully responsive to the Office communication mailed 06/25/04 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132. The disk appears to have been severely damaged, is unreadable and needs to be replaced. See attached Raw Sequence listing error report.

Since the reply appears to be bona fide attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)
2. Mailed to:
U.S. Patent and Trademark Office
Box Sequence, P.O. Box 2327
Arlington, VA 22202
3. Mailed by Federal Express, United Parcel Service or other delivery service to:
U. S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Box Sequence
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202
4. Hand Carried directly to the Customer Window at:
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03, Box Sequence,
Arlington, Virginia 22202

Any inquiry concerning this communication should be directed to Examiner Gary Counts, Art Unit 1641, whose telephone number is (541) 272-0817.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le, can be reached on (541) 272-0823.

Gary W. Counts
Examiner
Art Unit 1641
April 5, 2006



Long Le
LONG V. LE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

04/12/06

Notice to ComplyApplication No.
09/923,716Applicant(s)
KramerExaminer
CountsArt Unit
1641**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: Amino acid sequences listed in claims 27-28 should be identified by a sequence identifier.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-2510

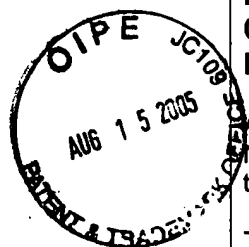
For CRF Submission Help, call (571) 272-2501/2583.

PatentIn Software Program Support

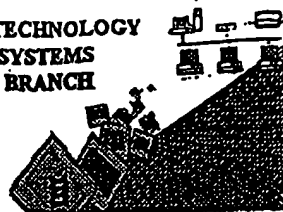
Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY



BIOTECHNOLOGY
SYSTEMS
BRANCH



RAW SEQUENCE LISTING
ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/923,716E
Source: ATW
Date Processed by STIC: 1-13-05

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSIONS AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.2 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 06/05/04):
U.S. Patent and Trademark Office, 220 20th Street S., Customer Window, Mail Stop Sequence, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA 22202

Revised 05/17/04